

1 HON. RICHARD A. JONES  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA, )  
10 ) CR07-432-RAJ  
11 Plaintiff, )  
12 v. ) RESPONSE TO GOVERNMENT  
13 ) MOTION IN LIMINE  
14 SHARON BRANDT, )  
15 )  
16 Defendant. )  
17 \_\_\_\_\_

18 DEFENDANT SHARON BRANDT files this response to the Government's  
19 Motion In Limine To Preclude Evidence Of Defendants And Patients Alleged Belief In  
20 The Efficacy Of Misbranded And Adulterated Devices as follows:

21 The Adjudicative Service Unit of the Washington State Department of Health  
22 found that DONALD BRANDT practiced medicine without a license and issued a cease  
23 and desist order prohibiting him from the unauthorized practice of medicine on July 21,  
24 2005. The gravamen of the government's case against the Brandts' is the contention that  
25 the Brandts' caused the interstate shipment of misbranded and adulterated medical devices  
26 found at their "clinic" and defrauded and deceived both the FDA and the manufacturers of  
the misbranded and adulterated medical devices. Whether this is true or not, the FDA and

ROBERT M. LEEN  
WSBA#14208  
ATTORNEY AT LAW  
ONE UNION SQUARE  
600 UNIVERSITY STREET, SUITE 3310  
SEATTLE, WASHINGTON 98101-4172  
(206) 748-7817 • FAX (206) 748-7821

1 the manufacturers of the misbranded and adulterated medical devices are the offenses  
2 victims; not the disease stricken patient witnesses and their families.  
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4       The hopes, expectations and the fulfilled or dashed dreams of patient witnesses and  
5 their families, like the purported efficacy of treatment, is not at issue. The court has read  
6 the heart wrenching letter of TERI SHOAL-REEVS. If the statutory victims are not the  
7 patient witnesses, and the Brandts' are not being prosecuted for the unauthorized practice  
8 of medicine, what other than emotional impact is the justification for either party calling  
9 any patient witness to testify? More than anything the defense might say, Ms. Shoal-  
10 Reeves' letter paints a vivid portrait of the emotional and physical harm that would/will be  
11 inflicted on patient witnesses having to travel to Seattle to attend court and then undergo  
12 the rigors of testifying and cross examination. The defense contends, and the government  
13 seems to concede, that such patient witness testimony is only marginally relevant (the  
14 witnesses are unaffiliated with the FDA and/or the manufacturers of the medical devices  
15 which are the subject of this prosecution and such testimony is duplicative and cumulative  
16 of undercover police testimony) and all would agree, such patient witnesses suffer from  
17 medical problems and life histories that are emotional; the defense would contend unduly  
18 and prejudicially so.

19       DEFENDANT SHARON BRANDT contends that the Court should enter an in  
20 limine ruling excluding all patient witness testimony. DEFENDANT SHARON BRANDT  
21 would consent to such a ruling. The defense contends that such a ruling is supported by  
22 Rule 403 and it would certainly be a godsend to each such patient witness. The defense  
23 however strenuously objects to the government's proposed in limine limitation alone  
24 because such a restriction unduly interferes with DEFENDANT SHARON BRANDT'S  
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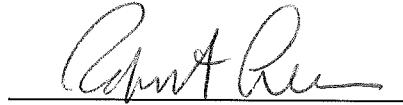
1 Sixth Amendment confrontation right as well as her Sixth Amendment right to present a  
2 defense.  
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4 Respectfully submitted,  
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7 Robert M. Leen  
8 Attorney for Defendant  
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10 CERTIFICATE OF SERVICE  
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12 I hereby certify I electronically filed the foregoing using the CM/ECF system and I  
13 served via facsimile this document any non CM/ECF participants this 19 day of May  
14 2008.

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16 Robert M. Leen  
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